

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 75111

M A H Painting
Matthew Horning R/A
3318 McShane Way
Baltimore MD 21222

231 St. Helena Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 11, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-312, 310, failure to remove all junk, trash and debris from around the shed; section 13-7-302, 306, failure to remove/exterminate rat harborage under shed; Baltimore County Zoning Regulations (BCZR) section 428, failure to license or remove all untagged/inoperative motor vehicles on residential property zoned DR 10.5 known as 231 St. Helena Way, 21222.

On April 22, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,200.00 (three thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Lori Cain, agent for M A H Painting, Respondent and, Jerry Chen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 5, 2010 for removal of untagged/inoperative motor vehicles, removal of trash and debris from property, and extermination of rats under shed. This Citation was issued on April 22, 2010.

B. Inspector Jerry Chen testified that the St. Helena Community Association filed a complaint about this rental property. Inspection found a vehicle without current tags; junk, trash and debris; and multiple rat holes by the shed. Re-inspection prior to this hearing found the rat holes filled in and most of the junk and trash cleaned up, but the untagged vehicle still parked on the property. Photographs in the file show an untagged Mercury sedan, and a small amount of junk and debris, including a broken downspout, in the yard. Photographs show the rat holes have been filled in.

C. Lori Cain is the agent for the property owner. She testified that there have been code violations before with different tenants but that the owner was not aware of this case prior to the citation. The tenant told the landlord that a tag had been put on the car, but it was just a dealer's advertising tag. The landlord has given the tenant 24 hours to remove the car, and then it will be towed. The landlord will check and remove any additional debris. An exterminator has treated the property for rats and will make follow-up visits as needed.

D. Because compliance is the goal of code enforcement, and substantial progress has been made in correcting the violations, the civil penalty will be rescinded if the remaining violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by June 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.